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Oceans and the law of the sea

Brazil, Canada, Czech Republic, Denmark, France, Georgia, Guatemala, Iceland, Indonesia, Jamaica, Luxembourg, Madagascar, Mexico, Monaco, Philippines, Portugal, Slovenia, Sweden, Trinidad and Tobago and United States of America: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 62/215 of 22 December 2007, and other relevant resolutions concerning the United Nations Convention on the Law of the Sea ("the Convention"),[1]

Having considered the report of the Secretary-General,[2] the joint statement of the Co-Chairpersons of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction ("the Ad Hoc Open-ended Informal Working Group")[3] and also the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process") at its ninth meeting[4] and on the eighteenth Meeting of States Parties to the Convention,[5]

Emphasizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as to the sustainable development of the oceans and seas,

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] A/63/63 and Add.1.
[3] A/63/79, annex.
[4] A/63/174 and Corr.1.
[5] SPLOS/184.

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Emphasizing also the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[6]

Recognizing the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration,[7]

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention and the integrated management and sustainable development of the oceans and seas,

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Recalling also its decision, in resolutions 57/141 of 12 December 2002 and 58/240 of 23 December 2003, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing

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[6] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[7] See resolution 55/2.

regional assessments, as recommended by the World Summit on Sustainable Development,[8] and noting the need for cooperation among all States to this end,

Reiterating its concern at the adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, of human activities, such as overutilization of living marine resources, the use of destructive practices, physical impacts by ships, the introduction of invasive alien species and marine pollution from all sources, including from land-based sources and vessels, in particular through the illegal and accidental discharge of oil and other harmful substances, the loss or release of fishing gear and the illegal or accidental release of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

Expressing deep concern over the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment,

Reiterating its serious concern over the current and projected adverse effects of climate change on the marine environment and marine biodiversity, and emphasizing the urgency of addressing this issue,

Expressing concern that climate change has increased the severity and incidence of coral bleaching throughout tropical seas over the past two decades and has weakened the ability of reefs to withstand ocean acidification, which could have serious and irreversible negative effects on marine organisms, particularly corals, as well as to withstand other pressures, including overfishing and pollution,

Reiterating its deep concern over the vulnerability of the environment and the fragile ecosystems of the polar regions, including the Arctic Ocean and the Arctic ice cap, particularly affected by the projected adverse effects of climate change,

Encouraging States to continue to contribute to the specific efforts deployed within the framework of the International Polar Year with the goal of enhancing the knowledge of the polar regions by strengthening scientific cooperation,

Recognizing that there is a need for a more integrated approach and to further study and promote measures for enhanced cooperation, coordination and collaboration relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Recognizing also that the realization of the benefits of the Convention could be enhanced by international cooperation, technical assistance and advanced scientific knowledge, as well as by funding and capacity-building,

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and recognizing in this regard that the move towards electronic charting not only provides significantly increased benefits for safe

[8] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Noting with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities,

Noting the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the international community that coastal States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf ("the Commission"), noting also in this regard that several States have already made submissions to the Commission and that the Commission has made recommendations for a number of those States, and welcoming the fact that summaries of recommendations have been made publicly available,[9]

Noting also that some States may face particular challenges in relation to preparing submissions to the Commission,

Noting further that financial and technical assistance may be sought by developing countries for activities in relation to preparing submissions to the Commission, including through the voluntary trust fund established by resolution 55/7 of 30 October 2000 for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, as well as other accessible international assistance,

Recognizing the important role for developing countries of the trust funds established by resolution 55/7 for the activities of the Commission, and noting with appreciation the recent contributions made to them,

Reaffirming the importance of the work of the Commission for coastal States and the international community as a whole,

Noting the important role of the Commission in assisting States parties in the implementation of Part VI of the Convention, through the examination of information submitted by coastal States regarding the outer limits of the continental shelf beyond 200 nautical miles, and acknowledging in this regard the anticipated workload of the Commission owing to an increasing number of submissions, placing additional demands on its members and on the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division"), and the need to ensure that the Commission can perform its functions under the Convention effectively and maintain its high level of quality and expertise,

[9] See www.un.org/Depts/los.

Welcoming the decision of the eighteenth Meeting of States Parties to the Convention[10] regarding the workload of the Commission and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a),

Recognizing the importance and the contribution of the work over the past nine years of the Consultative Process, established by resolution 54/33 of 24 November 1999 and extended by resolutions 57/141 and 60/30 of 29 November 2005, to facilitate the annual review of developments in ocean affairs by the General Assembly,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997 and 54/33, and in this context the increase in activities of the Division, in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings, its increasing capacity-building activities, the need for enhanced support and assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercrafts, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

Reaffirming the importance of the work of the International Seabed Authority ("the Authority") in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Part XI Agreement"),[11]

Reaffirming also the importance of the work of the International Tribunal for the Law of the Sea ("the Tribunal") in accordance with the Convention,

I
Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 62/215, and other relevant resolutions concerning the Convention;[1]

2. *Also reaffirms* the unified character of the Convention and the vital importance of preserving its integrity;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Part XI Agreement;[11]

4. *Calls upon* States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[12]

[10] SPLOS/183.

[11] United Nations, *Treaty Series*, vol. 1836, No. 31364.

[12] Ibid., vol. 2167, No. 37924.

5. *Calls upon* States to harmonize their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States parties to the Convention to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the forthcoming entry into force of the 2001 Convention on the Protection of Underwater Cultural Heritage,[13] and notes in particular the annexed rules, which address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among parties, their nationals and vessels flying their flag;

II
Capacity-building

9. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

10. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

11. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

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[13] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24, annex.

12. *Also calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to strengthen capacity-building activities in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to promote effective compliance with, and implementation and enforcement of, their responsibilities under international law;

13. *Recognizes* the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, notes that the number of its graduates in more than 102 States confirms its effective capacity-building role in the field of international law, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute;

14. *Welcomes* ongoing activities for capacity-building so as to address maritime security and safety needs and the protection of the marine environment of developing States, and encourages States and international financial institutions to provide additional funding for capacity-building programmes, including for transfer of technology, including through the International Maritime Organization and other competent international organizations;

15. *Recognizes* the considerable need to provide sustained capacity-building assistance, including on financial and technical aspects by relevant international organizations and donors to developing States, with a view to further strengthening their capacity to take effective measures against the multiple facets of international criminal activities at sea in line with the relevant international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[14]

16. *Also recognizes* the need to build the capacity of developing States to raise awareness of and support the implementation of improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

17. *Further recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, as well as coastal African States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

18. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,[15] and recalls the important role of the secretariat of that Commission in the implementation and promotion of the Criteria and Guidelines;

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[14] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[15] See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

19. *Calls upon* States to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, multilateral levels, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State through a desktop study, and the delineation of the outer limits of its continental shelf, as well as in the preparation of preliminary information to be submitted to the Secretary-General in accordance with the decision of the eighteenth Meeting of States Parties to the Convention;[10]

20. *Calls upon* the Division to continue to disseminate information on relevant procedures related to the trust fund established for the purpose of facilitating the preparation of submissions to the Commission and to continue its dialogue with potential beneficiaries with a view to providing financial support to developing countries for activities to facilitate timely submissions to the Commission;

21. *Notes with appreciation* the successful conduct by the Division, in cooperation with States and relevant international organizations and institutions, of further subregional training courses in Trinidad and Tobago from 14 to 18 January 2008 and in Namibia from 15 September to 3 October 2008, the purpose of which was to train technical staff of coastal developing States in the delineation of the outer limits of the continental shelf beyond 200 nautical miles and in the preparation of submissions to the Commission, and requests the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue to support training activities to assist developing States in the preparation of their submissions to the Commission;

22. *Also notes with appreciation* the development by the Division of a training manual on developing and implementing ecosystem approaches to the management of ocean-related activities and the successful delivery, in cooperation with the United Nations Environment Programme under the TRAIN-SEA-COAST Programme, of the first regional training workshop on ecosystem approaches to coastal and ocean management: focus on ecosystem-based management in Eastern Africa, in Mombasa, Kenya, from 27 October to 1 November 2008;

23. *Further notes with appreciation* the regional workshop of the International Tribunal for the Law of the Sea, held in Buenos Aires from 26 to 28 May 2008, on the role of the Tribunal in the settlement of disputes relating to the law of the sea;

24. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others in a position to do so to contribute to the trust fund established by the Secretary-General for the Office of Legal Affairs of the Secretariat to support the promotion of international law;

25. *Recognizes* the importance of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, expresses its serious concern regarding the lack of resources, which is preventing the implementation of the twenty-second and future awards, advises the Secretary-General to continue to finance the Fellowship from resources made available through an appropriate Office of Legal

Affairs trust fund, and urges Member States and others in a position to do so to contribute to the further development of the Fellowship;

26. *Takes note with satisfaction* of the ongoing implementation of the United Nations and the Nippon Foundation Fellowship Programme, focusing on human resources development for developing coastal States parties and non-parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

III
Meeting of States Parties

27. *Welcomes* the report of the eighteenth Meeting of States Parties to the Convention;[5]

28. *Requests* the Secretary-General to convene the nineteenth Meeting of States Parties in New York from 22 to 26 June 2009 and to provide the services required;

IV
Peaceful settlement of disputes

29. *Notes with satisfaction* the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement;

30. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

31. *Notes* that States parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement submitted in accordance with that agreement, and notes also the possibility, provided for in the statutes of the Tribunal and the Court, to submit disputes to a chamber;

32. *Encourages* States parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, bearing in mind the comprehensive character of the dispute settlement mechanism provided for in Part XV of the Convention;

V
The Area

33. *Notes* the progress made by the Authority in its deliberations, encourages the finalization of the regulations for prospecting and exploration for polymetallic sulphides as soon as possible and progress on the regulations for prospecting and exploration for cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, for, inter alia, the protection and conservation

of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area;

34. *Notes* the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment, respectively;

VI
Effective functioning of the Authority and the Tribunal

35. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and also appeals to States parties in arrears with their contributions to fulfil their obligations without delay;

36. *Urges* all States parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to continue to pursue all options, including making concrete recommendations on the issue of dates, in order to improve attendance in Kingston and to ensure global participation;

37. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[16] and to the Protocol on the Privileges and Immunities of the Authority;[17]

38. *Emphasizes* the importance of the Tribunal's rules and staff regulations promoting the recruitment of a geographically representative staff in the Professional and higher categories, and welcomes the actions taken by the Tribunal in observance of those rules and regulations;

VII
The continental shelf and the work of the Commission

39. *Encourages* States parties to the Convention to make every effort to submit information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties contained in SPLOS/72, paragraph (a);

40. *Recognizes* the decision of the eighteenth Meeting of States Parties to the Convention[18] that it is understood that the time period referred to in article 4 of annex II to the Convention and the decision contained in SPLOS/72, paragraph (a), may be satisfied by submitting to the Secretary-General preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended date of submission in accordance with the requirements of article 76 of the Convention and with the rules of procedure[19] and the Scientific and Technical Guidelines of the Commission;[20]

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[16] United Nations, *Treaty Series*, vol. 2167, No. 37925.
[17] Ibid., vol. 2214, No. 39357.
[18] SPLOS/183, para. 1 (a).
[19] CLCS/40/Rev.1.
[20] CLCS/11 and Corr.1 and Add.1 and Add.1/Corr.1.

41. *Notes with satisfaction* the progress in the work of the Commission, that it is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles and that a number of States have advised of their intention to make submissions in the near future;

42. *Takes note* of the recommendations made by the Commission on the submissions of a number of States, and welcomes the fact that summaries of recommendations have been made publicly available;[9]

43. *Notes* that the anticipated heavy workload of the Commission, owing to an increasing number of submissions, places additional demands on its members and the Division, and in that regard emphasizes the need to ensure that the Commission can perform its functions efficiently and effectively and maintain its high level of quality and expertise;

44. *Takes note* of the decision of the seventeenth Meeting of States Parties to the Convention[21] to continue to address, as a matter of priority, issues related to the workload of the Commission, including funding for its members attending the sessions of the Commission and the meetings of the subcommissions;

45. *Calls upon* States whose experts are serving on the Commission to do their utmost to ensure the full participation of those experts in the work of the Commission, including the meetings of subcommissions, in accordance with the Convention;

46. *Requests* the Secretary-General to take appropriate measures, including in the context of the proposed programme budget for the biennium 2010-2011, to further strengthen the capacity of the Division, serving as the secretariat of the Commission, in order to adequately increase the Division's support and assistance to the Commission and its subcommissions, in their consideration of a growing number of submissions, as required by paragraph 9 of annex III to the rules of procedure of the Commission, and taking into account the need for simultaneous work on several submissions;

47. *Urges* the Secretary-General to continue to provide all necessary secretariat services to the Commission in accordance with article 2, paragraph 5, of annex II to the Convention;

48. *Encourages* States to make additional contributions to the voluntary trust fund established by resolution 55/7 for the purpose of facilitating the preparation of submissions to the Commission and to the voluntary trust fund also established by that resolution for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission;

49. *Approves* the convening by the Secretary-General of the twenty-third and twenty-fourth sessions of the Commission in New York from 2 March to 9 April 2009 and from 10 August to 11 September 2009, respectively, on the understanding that the following periods will be used for the technical examination of submissions at the Geographic Information System laboratories and other technical facilities of the Division: 2 to 20 March 2009, 6 to 9 April 2009, 10 to 21 August 2009 and 8 to 11 September 2009;

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[21] See SPLOS/162.

50. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of coastal States in relevant proceedings concerning their submissions, and recognizes the continued need for active interaction between coastal States and the Commission;

51. *Encourages* States to continue exchanging views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating the preparation of submissions by States, in particular developing States, to the Commission;

52. *Requests* the Secretary-General, in cooperation with Member States, to continue supporting workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the need to strengthen capacity-building for developing countries in preparing their submissions;

VIII
Maritime safety and security and flag State implementation

53. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation, as well as maritime labour, and to adopt the necessary measures consistent with the Convention and other relevant international instruments aimed at implementing and enforcing the rules contained in those agreements, and emphasizes the need for capacity-building for and assistance to developing States;

54. *Recognizes* that the legal regimes governing maritime security and maritime safety may have common and mutually reinforcing objectives that may be interrelated and could benefit from synergies, and encourages States to take this into account in their implementation;

55. *Emphasizes* that security and safety measures should be implemented with minimal negative effects on seafarers and fishers, especially in relation to their working conditions;

56. *Invites* all States to ratify or accede to the Maritime Labour Convention, 2006, the Work in Fishing Convention, 2007, and the Seafarers' Identity Documents Convention (Revised) 2003, of the International Labour Organization and to effectively implement those Conventions, and emphasizes the need to provide technical cooperation and assistance in that regard;

57. *Emphasizes* the need for further efforts to promote a culture of safety and security in the shipping industry and to address the shortage of adequately trained personnel, notes the importance of the process in the International Maritime Organization to review the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and urges the establishment of more centres to provide the required education and training;

58. *Welcomes* ongoing cooperation among the Food and Agriculture Organization of the United Nations, the International Maritime Organization and the International Labour Organization relating to the safety of fishers and fishing vessels, underlines the urgent need for continued work in that area, and takes note of

discussions in the Food and Agriculture Organization of the United Nations on the merit of an international plan of action in this area;

59. *Notes* the holding of the ninth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and welcomes further cooperation with the International Maritime Organization on regulations on the prevention of pollution from ships;[22]

60. *Recalls* that all actions taken to combat threats to maritime security must be in accordance with international law, including the principles embodied in the Charter and the Convention;

61. *Recognizes* the crucial role of international cooperation at the global, regional, subregional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, the prosecution of offenders with due regard to national legislation and the need for sustained capacity-building to support such objectives;

62. *Emphasizes* the importance of prompt reporting of incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and takes note of the important role of the International Maritime Organization;

63. *Calls upon* States to take appropriate steps under their national law to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy;

64. *Urges* all States, in cooperation with the International Maritime Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

65. *Welcomes* the significant decrease in the number of attacks by pirates and armed robbers in the Asian region through increased national, bilateral and trilateral initiatives as well as regional cooperative mechanisms, and calls upon other States to give immediate attention to adopting, concluding and implementing cooperation agreements on combating piracy and armed robbery against ships at the regional level;

66. *Expresses serious concern* regarding the problem of increased instances of piracy and armed robbery at sea off the coast of Somalia, expresses alarm in particular at the recent hijacking of vessels, supports the recent efforts to address

[22] UNEP/CHW.9/39, annex I, decision IX/12.

this problem at the global and regional levels, notes the adoption by the Security Council of resolutions 1816 (2008) of 2 June 2008 and 1838 (2008) of 7 October 2008, and also notes that the authorization in resolution 1816 (2008) and the provisions in resolution 1838 (2008) apply only to the situation in Somalia and do not affect the rights, obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that they are not to be considered as establishing customary international law;

67. *Notes* the initiatives of the Secretary-General of the International Maritime Organization, following up on resolution A.1002(25) adopted by the Assembly of the International Maritime Organization on 29 November 2007, to engage the international community in efforts to combat acts of piracy and armed robbery against ships sailing the waters off the coast of Somalia;

68. *Urges* States to ensure the full implementation of International Maritime Organization Assembly resolution A.1002(25) on acts of piracy and armed robbery against ships in waters off the coast of Somalia;

69. *Calls upon* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[23] invites States to consider becoming parties to the 2005 Protocols amending those instruments,[24] and urges States parties to take appropriate measures to ensure the effective implementation of those instruments through the adoption of legislation, where appropriate;

70. *Also calls upon* States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea,[25] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

71. *Urges* all States, in cooperation with the International Maritime Organization, to improve the protection of offshore installations by adopting measures related to the prevention, reporting and investigation of acts of violence against installations, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

72. *Welcomes* the progress in regional cooperation, including the Jakarta, Kuala Lumpur and Singapore Statements on Enhancement of Safety, Security and Environmental Protection in the Straits of Malacca and Singapore, adopted on 8 September 2005,[26] 20 September 2006[27] and 6 September 2007,[28] respectively, especially the formal establishment of the Cooperative Mechanism on safety of navigation and environmental protection to promote dialogue and facilitate close

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[23] United Nations, *Treaty Series*, vol. 1678, No. 29004.

[24] International Maritime Organization, documents LEG/CONF.15/21 and 22.

[25] International Maritime Organization, documents SOLAS/CONF.5/32 and 34, as well as resolution MSC.202(81) introducing the long-range identification and tracking of ships system.

[26] A/60/529, annex II.

[27] A/61/584, annex.

[28] A/62/518, annex.

cooperation between the littoral States, user States, shipping industry and other stakeholders in line with article 43 of the Convention, and in implementing the Marine Electronic Highway Demonstration Project for the Straits of Malacca and Singapore, notes with appreciation the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, and calls upon States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level;

73. *Recognizes* that some transnational organized criminal activities threaten legitimate uses of the oceans and endanger the lives of people at sea;

74. *Notes* that transnational organized criminal activities are diverse and may be interrelated in some cases and that criminal organizations are adaptive and take advantage of the vulnerabilities of States, in particular coastal and small island developing States in transit areas, and calls upon States and relevant intergovernmental organizations to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants and trafficking in persons in accordance with international law;

75. *Recognizes* the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants and trafficking in persons and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;[29]

76. *Calls upon* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime[30] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[31] and to take appropriate measures to ensure their effective implementation;

77. *Calls upon* States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lane passage and innocent passage in accordance with international law, in particular the Convention;

78. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation to keep such straits safe, secure and environmentally protected and open to international navigation at all times, consistent with international law, in particular the Convention;

79. *Calls upon* user States and States bordering straits used for international navigation to continue to cooperate by agreement on matters relating to navigational

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[29] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[30] Ibid., vol. 2241, No. 39574.

[31] Ibid., vol. 2237, No. 39574.

safety, including safety aids for navigation, and on the prevention, reduction and control of pollution from ships, and welcomes developments in this regard;

80. *Takes note* of the adoption of the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident,[32] which will take effect on 1 January 2010 upon the entry into force of the amendments to regulation XI-1/6 of the International Convention for the Safety of Life at Sea, 1974;[33]

81. *Calls upon* States to consider becoming members of the International Hydrographic Organization, and urges all States to work with that Organization to increase the coverage of hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, especially in areas used for international navigation, in ports and where there are vulnerable or protected marine areas;

82. *Notes* the progress in the implementation of the Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors of the International Atomic Energy Agency in March 2004,[34] and encourages States concerned to continue their efforts in the implementation of all areas of the Action Plan;

83. *Also notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law, that States should maintain dialogue and consultation, in particular under the auspices of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials, that States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns and that these concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;

84. *Acknowledges*, in the context of paragraph 83 above, the potential environmental and economic impacts of maritime incidents and accidents on coastal States, in particular those related to the transport of radioactive materials, and emphasizes the importance of effective liability regimes in that regard;

85. *Encourages* States to draw up plans and establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;[35]

86. *Invites* States to consider becoming parties to the Nairobi International Convention on the Removal of Wrecks, 2007;[36]

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[32] International Maritime Organization, document MSC 83/28, resolution MSC.255(84).

[33] Ibid., document MSC/78/26/Add.1, annex 3, resolution MSC.153(78).

[34] Available from www-ns.iaea.org.

[35] International Maritime Organization, Assembly resolution A.949(23).

[36] International Maritime Organization, document LEG/CONF.16/19.

87. *Requests* States to take appropriate measures with regard to ships flying their flag or of their registry to address hazards that may be caused by wrecks and drifting or sunken cargo to navigation or the marine environment;

88. *Calls upon* States to ensure that masters on ships flying their flag take the steps required by relevant instruments[37] to provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[38] and to the International Convention for the Safety of Life at Sea[39] relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[40]

89. *Recognizes* that all States must fulfil their search and rescue responsibilities and the ongoing need for the International Maritime Organization and other relevant organizations to assist in particular developing States both to increase their search and rescue capabilities, including through the establishment of additional rescue coordination centres and regional subcentres, and to take effective action to address, to the extent feasible, the issue of unseaworthy ships and small craft within their national jurisdiction;

90. *Welcomes* the ongoing work of the International Maritime Organization in relation to disembarkation of persons rescued at sea, and notes in this regard the need to implement all relevant international instruments;

91. *Also welcomes* the ongoing cooperation and coordination between members of the inter-agency group on the treatment of persons rescued at sea;

92. *Calls upon* States to continue to cooperate in developing comprehensive approaches to international migration and development, including through dialogue on all its aspects;

93. *Reaffirms* that flag, port and coastal States all bear responsibility for ensuring the effective implementation and enforcement of international instruments relating to maritime security and safety, in accordance with international law, in particular the Convention, and that flag States have primary responsibility that requires further strengthening, including through increased transparency of ownership of vessels;

94. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is taken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

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[37] The International Convention for the Safety of Life at Sea, 1974, the International Convention on Maritime Search and Rescue, 1979, as amended, the United Nations Convention on the Law of the Sea, 1982, and the International Convention on Salvage, 1989.

[38] International Maritime Organization, document MSC/78/26/Add.1, annex 5, resolution MSC.155(78).

[39] Ibid., annex 3, resolution MSC.153(78).

[40] International Maritime Organization, document MSC/78/26/Add.2, annex 34, resolution MSC.167(78).

95. *Recognizes* that international shipping rules and standards adopted by the International Maritime Organization in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction of maritime accidents and pollution incidents, and encourages all States to participate in the Voluntary International Maritime Organization Member State Audit Scheme;[41]

96. *Also recognizes* that maritime safety can also be improved through effective port State control, the strengthening of regional arrangements and increased coordination and cooperation among them and increased information-sharing, including between the safety and security sectors;

97. *Encourages* flag States to take appropriate measures sufficient to achieve or maintain recognition by intergovernmental arrangements that recognize satisfactory flag State performance, including, as appropriate, satisfactory port State control examination results on a sustained basis, with a view to improving quality shipping and furthering flag State implementation of relevant instruments under the International Maritime Organization as well as relevant goals and objectives of the present resolution;

IX
Marine environment and marine resources

98. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment;

99. *Notes* the work of the Intergovernmental Panel on Climate Change, including its findings on the acidification of oceans, and in this regard encourages States and competent international organizations and other relevant institutions, individually and in cooperation, to urgently pursue further research on ocean acidification, especially programmes of observation and measurement, noting in particular paragraph 4 of decision IX/20 adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Bonn, Germany, from 19 to 30 May 2008,[42] and to increase national, regional and international efforts to address levels of ocean acidity and the projected negative impact of such acidity on vulnerable marine ecosystems, particularly coral reefs;

100. *Encourages* States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation;

101. *Also encourages* States to ratify or accede to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and

[41] International Maritime Organization, Assembly resolution A.974(24).

[42] See UNEP/CBD/COP/9/29.

pathogens and marine pollution from all sources, including the dumping of wastes and other matter, and other forms of physical degradation, as well as agreements that provide for preparedness for, response to and cooperation on pollution incidents and that include provisions on liability and compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with the Convention aimed at implementing and enforcing the rules contained in those agreements;

102. *Further encourages* States, directly or through competent international organizations, to consider the further development, as appropriate and consistent with the Convention, of environmental impact assessment processes covering planned activities under their jurisdiction or control that may cause substantial pollution of or significant and harmful changes to the marine environment;

103. *Encourages* States to become parties to regional seas conventions addressing the protection and preservation of the marine environment;

104. *Also encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

105. *Welcomes* the World Ocean Conference, to be held in Manado, Indonesia, in May 2009, as an opportunity to enhance understanding of the link between oceans and climate change and the impact of climate change on marine ecosystems and coastal communities, thus promoting the urgency of mainstreaming climate change-sensitive policies and enhancing adaptation capacity at all levels, especially among developing countries and small island developing States;

106. *Welcomes* the activities of the United Nations Environment Programme relating to marine debris carried out in cooperation with relevant United Nations bodies and organizations, and encourages States to further develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

107. *Urges* States to integrate the issue of marine debris into national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and encourages States to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes for marine debris;

108. *Encourages* States that have not done so to become parties to the Protocol of 1997 (Annex VI-Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and furthermore to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004,[43] thereby facilitating its early entry into force;

[43] International Maritime Organization, document BWM/CONF/36, annex.

109. *Notes* the ongoing work of the International Maritime Organization in accordance with its resolution on International Maritime Organization policies and practices related to the reduction of greenhouse gas emissions from ships[44] and the workplan to identify and develop the mechanism or mechanisms needed to achieve the limitation or reduction of greenhouse gas emissions from international shipping, and welcomes ongoing efforts of the Organization in that regard;

110. *Urges* States to cooperate in correcting the shortfall in port waste reception facilities in accordance with the action plan to address the inadequacy of port waste reception facilities developed by the International Maritime Organization;

111. *Recognizes* that most of the pollution load of the oceans emanates from land-based activities and affects the most productive areas of the marine environment, and calls upon States as a matter of priority to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[45] and to take all appropriate measures to fulfil the commitments of the international community embodied in the Beijing Declaration on Furthering the Implementation of the Global Programme of Action;

112. *Expresses its concern* regarding the spreading of hypoxic dead zones in oceans as a result of eutrophication fuelled by riverine runoff of fertilizers, sewage outfall and reactive nitrogen resulting from the burning of fossil fuels and resulting in serious consequences for ecosystem functioning, and calls upon States to enhance their efforts to reduce eutrophication and, to this effect, to continue to cooperate within the framework of relevant international organizations, in particular the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;

113. *Calls upon* all States to ensure that urban and coastal development projects and related land-reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities;

114. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration,[7] and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development,[46] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[47]

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[44] International Maritime Organization, Assembly resolution A.963(23).

[45] A/51/116, annex II.

[46] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[47] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

115. *Also welcomes* the resolution of the thirtieth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Convention") and the third Meeting of Contracting Parties to the London Protocol, held from 27 to 31 October 2008, on the regulation of ocean fertilization,[48] in which the Contracting Parties agreed, inter alia, that the scope of the London Convention and Protocol includes ocean fertilization activities and that, given the present state of knowledge, ocean fertilization activities other than for legitimate scientific research should not be allowed, and that scientific research proposals should be assessed on a case-by-case basis using an assessment framework to be developed by the scientific groups under the London Convention and Protocol, and also agreed that, to this end, such other activities should be considered as contrary to the aims of the London Convention and Protocol and should not currently qualify for any exemption from the definition of dumping in article III, paragraph 1(b), of the London Convention and article 1, paragraph 4.2, of the London Protocol;

116. *Further welcomes* decision IX/16 C adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity,[42] in which the Conference of the Parties, inter alia, bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention and Protocol, requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities are not carried out until there is an adequate scientific basis on which to justify such activities, including an assessment of associated risks, and that a global, transparent and effective control and regulatory mechanism is in place for those activities, with the exception of small-scale scientific research studies within coastal waters, and stated that such studies should be authorized only if justified by the need to gather specific scientific data, should be subject to a thorough prior assessment of the potential impact of the research studies on the marine environment, should be strictly controlled and should not be used for generating and selling carbon offsets or for any other commercial purposes;

117. *Reaffirms* paragraph 119 of resolution 61/222 of 20 December 2006 regarding ecosystem approaches and oceans, including the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach, and in this regard:

(a) Notes that continued environmental degradation in many parts of the world and increasing competing demands require an urgent response and the setting of priorities for management actions aimed at conserving ecosystem integrity;

(b) Notes that ecosystem approaches to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, including those contained in the Millennium Declaration, and conserve marine biodiversity;

(c) Recalls that States should be guided in the application of ecosystem approaches by a number of existing instruments, in particular the Convention, which

[48] See International Maritime Organization, document LC-LP.1 (2008).

sets out the legal framework for all activities in the oceans and seas, and its implementing Agreements, as well as other commitments, such as those contained in the Convention on Biological Diversity and the World Summit on Sustainable Development call for the application of an ecosystem approach by 2010;

(d) Encourages States to cooperate and coordinate their efforts and take, individually or jointly, as appropriate, all measures, in conformity with international law, including the Convention and other applicable instruments, to address impacts on marine ecosystems within and beyond areas of national jurisdiction, taking into account the integrity of the ecosystems concerned;

118. *Invites* States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with, and assistance to, developing States, in particular least developed countries and small island developing States, as well as coastal African States, with a view to better integrating into national policies and programmes sustainable and effective development in the marine sector;

119. *Encourages* the competent international organizations, the United Nations Development Programme, the World Bank and other funding agencies to consider expanding their programmes within their respective fields of competence for assistance to developing countries and to coordinate their efforts, including in the allocation and application of Global Environment Facility funding;

120. *Welcomes* the study prepared by the Secretariat pursuant to paragraph 88 of resolution 61/222[49] and the information provided in relation to the assistance available to and measures that may be taken by developing States, in particular the least developed countries and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans within the limits of national jurisdiction, takes note of the information provided by States and competent international organizations and global and regional funding agencies, and urges them to provide further information for the annual report of the Secretary-General and for incorporation in the website of the Division;

X
Marine biodiversity

121. *Reaffirms* its role relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work of States and relevant complementary intergovernmental organizations and bodies on those issues, including the Convention on Biological Diversity and the Food and Agriculture Organization of the United Nations, and invites them to contribute to its consideration of these issues within the areas of their respective competence;

122. *Notes* the discussion on the relevant legal regime on marine genetic resources in areas beyond national jurisdiction in accordance with the Convention, and calls upon States to further consider this issue in the context of the mandate of the Ad Hoc Open-ended Informal Working Group, with a view to making further progress on this issue;

[49] A/63/342.

123. *Recognizes* the abundance and diversity of marine genetic resources and their value in terms of the benefits, goods and services they can provide;

124. *Also recognizes* the importance of research on marine genetic resources for the purpose of enhancing the scientific understanding, potential use and application and enhanced management of marine ecosystems;

125. *Encourages* States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research, taking into account in particular the need to create greater taxonomic capabilities;

126. *Welcomes* the meeting of the Ad Hoc Open-ended Informal Working Group, established by the General Assembly in paragraph 73 of resolution 59/24 of 17 November 2004 to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, convened in accordance with paragraph 91 of resolution 61/222 and paragraph 105 of resolution 62/215 in New York from 28 April to 2 May 2008;

127. *Takes note* of the joint statement of the Co-Chairpersons of the Ad Hoc Open-ended Informal Working Group,[3] and requests the Secretary-General to convene, in accordance with paragraph 73 of resolution 59/24 and paragraphs 79 and 80 of resolution 60/30, with full conference services, a meeting of the Working Group in 2010 to provide recommendations to the General Assembly;

128. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-fourth session to assist the Ad Hoc Open-ended Informal Working Group in preparing its agenda, in consultation with all relevant international bodies, and to arrange for the provision of support for the performance of its work by the Division;

129. *Encourages* States to include relevant experts in their delegations attending the meeting of the Ad Hoc Open-ended Informal Working Group;

130. *Recognizes* the importance of making the outcomes of the Ad Hoc Open-ended Informal Working Group widely available;

131. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity[50] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity,[51] as well as the relevant decisions adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity;

132. *Reaffirms* the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

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[50] See A/51/312, annex II, decision II/10.

[51] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

133. *Calls upon* States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

134. *Reaffirms* the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention, and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

135. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the secretariat of the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in the light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools, such as the establishment of marine protected areas consistent with international law as reflected in the Convention and based on scientific information, including representative networks by 2012,[8] and notes with satisfaction that the Conference of the Parties to the Convention on Biological Diversity at its ninth session adopted scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats and the scientific guidance for selecting areas to establish representative networks of marine protected areas, including in open-ocean waters and deep-sea habitats, and took note of the four initial steps to be considered in the development of representative networks of marine protected areas;

136. *Acknowledges* the Micronesia Challenge, the Eastern Tropical Pacific Seascape project, the Caribbean Challenge and the Coral Triangle Initiative, which in particular seek to create and link domestic marine protected areas to better facilitate ecosystem approaches, and reaffirms the need for further international cooperation in support of such initiatives;

137. *Reiterates its support* for the International Coral Reef Initiative, takes note of the eleventh International Coral Reef Symposium and the International Coral Reef Initiative General Meeting, held respectively from 7 to 11 July and on 12 and 13 July 2008 in Fort Lauderdale, United States of America, supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs, and notes that the International Coral Reef Initiative is sponsoring the International Year of the Reef 2008;

138. *Encourages* States and relevant international institutions to improve efforts to address coral bleaching by, inter alia, improving monitoring to predict and identify bleaching events, supporting and strengthening action taken during such events and improving strategies to manage reefs to support their natural resilience and enhance their ability to withstand other pressures, including projected ocean acidification;

139. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

140. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

141. *Encourages* further studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division to continue to compile the peer-reviewed scientific studies it receives from Member States pursuant to paragraph 107 of resolution 61/222 and, as appropriate, to make them, or references and links to them, available on its website;

XI
Marine science

142. *Calls upon* States, individually or in collaboration with each other or with relevant international organizations and bodies, to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

143. *Notes* the contribution of the Census of Marine Life to marine biodiversity research, and encourages participation in the initiative;

144. *Welcomes* the adoption by the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization of the guidelines for the implementation of resolution XX-6 of the Assembly of the Commission regarding the deployment of profiling floats in the high seas in the framework of the Argo Programme,[52] and encourages the Advisory Body of Experts on the Law of the Sea of the Commission to continue its work on the legal framework, within the context of the Convention, which is applicable to the collection of oceanographic data by other specific means;

145. *Notes* the preparation by the Division of a revision of *Law of the Sea: Marine Scientific Research: A Guide to the Implementation of Relevant Provisions of the United Nations Convention on the Law of the Sea*,[53] with the assistance of a group of experts to be convened in early 2009, and encourages States to support this endeavour;

146. *Stresses* the importance of increasing the scientific understanding of the oceans/atmosphere interface, including through participation in ocean observing programmes and geographic information systems, such as the Global Ocean Observing System, a programme of the Intergovernmental Oceanographic Commission, particularly considering their role in monitoring and forecasting climate change and variability and in the establishment and operation of tsunami warning systems;

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[52] Resolution EC-XLI-4 of the Executive Council of the Intergovernmental Oceanographic Commission.

[53] United Nations publication, Sales No. E.91.V.3.

147. *Takes note with appreciation* of the progress made by the Intergovernmental Oceanographic Commission and Member States towards the establishment of regional and national tsunami warning and mitigation systems, welcomes the continued collaboration of the United Nations and other intergovernmental organizations in this effort, and encourages Member States to establish and sustain their national warning and mitigation systems, within a global, ocean-related multi-hazard approach, as necessary, to reduce loss of life and damage to national economies and strengthen the resilience of coastal communities to natural disasters;

148. *Notes* the outcome of the Ad Hoc Intergovernmental and Multi-Stakeholder Meeting on an Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services held under the auspices of the United Nations Environment Programme in Putrajaya, Malaysia, from 10 to 12 November 2008;

XII
Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

149. *Reiterates* the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking;

150. *Recalls* that the Ad Hoc Steering Group was established by resolution 60/30 to oversee the execution of the "assessment of assessments" launched as a preparatory stage towards the establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects;

151. *Notes with appreciation* the work carried out so far and progress made in the "assessment of assessments" by the Group of Experts established pursuant to resolution 60/30[54] and the support of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission, lead agencies of the "assessment of assessments", in providing secretariat services to the Ad Hoc Steering Group and the Group of Experts;

152. *Takes note of* the report of the third meeting of the Ad Hoc Steering Group for the "assessment of assessments", held in New York on 19 and 20 June 2008;[55]

153. *Also takes note* of the "assessment of assessments" progress report, endorsed by the Ad Hoc Steering Group and submitted by the United Nations Environment Programme and the Intergovernmental Oceanographic Commission to Member States, which provided the basis for an open-ended midterm review of the work and progress made so far in order to give all States Members of the United Nations an opportunity to comment on and contribute to the development of the ongoing work carried out under the "assessment of assessments" in accordance with paragraph 93 (c) of resolution 60/30;

154. *Urges* Member States and other interested parties to contribute financially to the "assessment of assessments" in order to enable its completion within the

[54] GRAME/GOE/3/2 and GRAME/GOE/4/1.
[55] GRAME/AHSG/3/2.

specified period, as indicated in the revised budget endorsed by the Ad Hoc Steering Group;

155. *Urges* all members of the Ad Hoc Steering Group to participate in the review of the completed "assessment of assessments" report and the summary for decision makers at the meeting of the Steering Group in 2009 and to interact, as appropriate, with the Group of Experts in its deliberations, bearing in mind their respective mandates;

156. *Recalls* that the report on the results of the "assessment of assessments" to be transmitted by the United Nations Environment Programme and the Intergovernmental Oceanographic Commission on behalf of the Ad Hoc Steering Group in accordance with paragraph 94 (d) of resolution 60/30 should be focused on the aims and expected outcomes identified in the conclusions of the second International Workshop on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects,[56] and paragraph 6 of the decision adopted by the Ad Hoc Steering Group at its first meeting[57] in order to facilitate the successful completion of the "assessment of assessments" phase;

157. *Decides* to establish an ad hoc working group of the whole to recommend a course of action to the General Assembly at its sixty-fourth session based on the outcomes of the fourth meeting of the Ad Hoc Steering Group, and requests the Secretary-General to convene its informal meeting for one week not later than September 2009;

XIII
Regional cooperation

158. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in that context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

XIV
Open-ended informal consultative process on oceans and the law of the sea

159. *Welcomes* the report on the work of the Consultative Process at its ninth meeting,[4] focused on the topic of maritime security and safety;

160. *Also welcomes* the work of the Consultative Process over the past nine years and the contribution of the Consultative Process to improving coordination and cooperation between States and strengthening the annual debate of the General Assembly on oceans and the law of the sea, further welcomes the attempts to

[56] A/60/91, annex.

[57] A/61/GRAME/AHSG/1, annex II.

improve and focus the work of the Consultative Process, and decides to continue the Consultative Process for the next two years, in accordance with resolution 54/33, with a further review of its effectiveness and utility by the Assembly at its sixty-fifth session;

161. *Recalls* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairpersons to this effect, particularly before and during the preparatory meeting for the Consultative Process, and decides in this regard that the eleventh meeting of the Consultative Process shall be based on the decisions taken by the General Assembly at its sixty-fourth session, following the review of the Consultative Process at its tenth meeting;

162. *Requests* the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the tenth meeting of the Consultative Process in New York from 17 to 19 June 2009, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

163. *Expresses its serious concern* regarding the lack of resources available in the voluntary trust fund established by resolution 55/7 for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and urges States to make additional contributions to the trust fund;

164. *Decides* that those representatives from developing countries who are invited by the co-chairpersons, in consultation with Governments, to make presentations during the meetings of the Consultative Process shall receive priority consideration in the disbursement of funds from the voluntary trust fund established by resolution 55/7 in order to cover the costs of their travel, and shall also be eligible to receive daily subsistence allowance subject to the availability of funds after the travel costs of all other eligible representatives from those countries mentioned in paragraph 163 above have been covered;

165. *Also decides* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea, the Consultative Process at its tenth meeting will focus its discussions on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings, and the topic for its eleventh meeting will be decided at the sixty-fourth session of the General Assembly;

XV
Coordination and cooperation

166. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

167. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies,

funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

168. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

169. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

XVI
Activities of the Division for Ocean Affairs and the Law of the Sea

170. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea,[2] prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

171. *Resolves* that, as from 2009, the United Nations will designate 8 June as World Oceans Day;

172. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XVII
Sixty-fourth session of the General Assembly

173. *Also requests* the Secretary-General to prepare a comprehensive report, in its current extensive format and in accordance with established practice, for the consideration of the General Assembly at its sixty-fourth session, on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution, in accordance with resolutions 49/28, 52/26 and 54/33, and to make the section of the report related to the topic of focus of the tenth meeting of the Consultative Process available at least six weeks in advance of the meeting of the Consultative Process;

174. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

175. *Notes* that the report referred to in paragraph 173 above will also be submitted to States parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

176. *Also notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea and the resolution on sustainable fisheries, and decides to limit the period of the informal consultations on both resolutions to a maximum of four weeks in total and to ensure that the consultations are scheduled in such a way as to avoid overlap with the period during which the Sixth Committee is meeting and that the Division has sufficient time to produce the report referred to in paragraph 173 above, and invites States to submit text proposals for inclusion in the resolutions to the coordinators of the informal consultations at the earliest possible date;

177. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "Oceans and the law of the sea".